

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**ANTONIO BERRY, #03256-043**

**PETITIONER**

**VERSUS**

**CIVIL ACTION NO. 5:07-cv-144-DCB-MTP**

**CONSTANCE REESE, Warden FCI-Yazoo**

**RESPONDENT**

**FINAL JUDGMENT**

This cause is before the Court, sua sponte, for consideration of dismissal. Pursuant to the memorandum opinion issued this day, it is hereby,

ORDERED AND ADJUDGED that this cause filed pursuant to 28 U.S.C. § 2241 be dismissed, without prejudice as frivolous and to the extent that the petition can be construed as a § 2255 motion it shall be dismissed for this Court's lack of jurisdiction, with prejudice.

SO ORDERED AND ADJUDGED, this the 29th day of October, 2007.

s/ David Bramlette  
UNITED STATES DISTRICT JUDGE